

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 16-0294**

**ABC v. FLOOD CONTROL**

**Appellate Case Information**

Case Filed: 20-May-2016  
Case Closed:

**Dept/Composition**

**Side 1. ABC SAND AND ROCK COMPANY INC, Plaintiff/Appellant**  
**(Litigant Group) ABC SAND AND ROCK COMPANY INC**

• ABC Sand and Rock Company Inc

**Attorneys for: Plaintiff/Appellant**

Colin F Campbell, Esq. (AZ Bar No. 4955)  
Meghan Grabel, Esq. (AZ Bar No. 21362)  
Jana Lynn Sutton, Esq. (AZ Bar No. 32040)

**Side 2. FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, Defendant/Appellee**  
**(Litigant Group) FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**

• Flood Control District of Maricopa County

**Attorneys for: Defendant/Appellee**

Stephen W Tully, Esq. (AZ Bar No. 14076)  
Bradley L Dunn, Esq. (AZ Bar No. 28897)

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR LC2015-000096-001	Administrative Review		Crane McClennen, Authoring Judge of Order		

**OPEN DUE DATE**

**Answering Brief due**

**Due By:** Tuesday, January 3, 2017

*Re: FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)*

**PENDING MATTER**

**Div 1 Request for Oral Argument**

Filed: 14-Nov-2016

*Request for Oral Argument (Appellant)*

**CASE DECISION**

28-Jul-2016 **OPINION**

Samuel Thumma.....Author  
Kent Cattani.....Concur  
Randall Howe.....Concur

Filed: 28-Jul-2016 Mandate:

Decision Disposition

***Jurisdiction Revested***

**23 PROCEEDING ENTRIES**

- 20-May-2016 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/22/16
- 20-May-2016 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: FD 4/14/15 - 2 CD's in a manila envelope
- 26-May-2016 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
- 10-Jun-2016 FILED: Letter, dated 06/10/2016, to Clerk from Jana L. Sutton re: Appellant Filing Fee (Appellant)
- 15-Jun-2016 RECEIPT No.: 2016-00736 ; \$280.00, Authorization: #66020053830, Applied to: ABC SAND AND ROCK COMPANY INC - Class A Filing Fee (\$280.00) Paid for: Osborn Maledon PA - By Integrated Resource Systems IN
- 15-Jun-2016 FILED: Case Management Statement (Appellant)
- 17-Jun-2016 FILED: Appellee's Notice re: No Appellee's Fee Due; Appellant's Brief Due
- 17-Jun-2016 FILED: Motion for Reconsideration Concerning Appellants Motion to Strike Appellees Surreply (Appellant Pro Per, Davis re 1 CA-CV 15-0728)

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9.	22-Jun-2016	ORDERED: Consolidating case 1 CA-CV 16-0294 with case 1 CA-CV 15-0047 for sole purpose of considering this court's appellate jurisdiction. Case 1 CA-CV 15-0047 is designated the primary number. FURTHER ORDERED: Continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in case 1 CA-CV 16-0294 that wishes to be heard on issue regarding order containing Rule 54(c) language, memorandum due 07/05/2016. Hon Kent E Cattani Judge - Author
10.	27-Jun-2016	FILED: Motion for Appointment of Counsel (Appellant Pro Per)
11.	29-Jun-2016	FILED: Appellee's Reply to Appellant's Response to Appellee's Motion to Strike; Proof of Service (Appellee)
12.	11-Jul-2016	FILED: Courtesy Copy - Copy of my Medical Benefits for State of Calif Gov. Program (Debra Lavoie)
13.	20-Jul-2016	FILED: Unopposed Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
14.	21-Jul-2016	ORDERED: Unopposed Motion for Extension of Time to File Opening Brief (Appellant) = DENIED. Melina Brill ProTem Judge - Author
15.	28-Jul-2016	OPINION (Jurisdiction Revested) Hon Samuel A Thumma - Author; Hon Kent E Cattani Judge - Concur; Hon Randall M Howe - Concur
16.	28-Jul-2016	FILED: Opinion Distribution List
17.	28-Jul-2016	ORDERED: deconsolidating this appeal from 1 CA-CV 15-0047. FURTHER ORDERED: continuing stay of appeal to/including 9/12/2016 and revesting jurisdiction to superior court to permit that court to consider an application by appellant for a signed order with certification of finality pursuant to Rule 54(c). FURTHER ORDERED: superior court rule on the application. FURTHER ORDERED: appellant file copy of signed order within 10 days of its entry. Once clerk of court has received order, appeal will be automatically reinstated. FURTHER ORDERED: if appeal has not been reinstated by filing of signed order by 9/12/2016, appellant shall file request to continue stay of appeal or appeal may be dismissed. FURTHER ORDERED: if signed order filed prior to 9/12/16, opening brief due 10/12/2016. Hon Kent E Cattani Judge - Author
18.	9-Sep-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes signed judgment filed 8/26/16)
19.	12-Sep-2016	FILED: Notice of Filing Order of Judgment; Certificate of Service; Exhibits A and B (Appellant)
20.	4-Oct-2016	FILED: Unopposed Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
21.	5-Oct-2016	ORDERED: Unopposed Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 10-12-2016 to Monday, 11-14-2016. Melina Brill ProTem Judge - Author
22.	14-Nov-2016	FILED: Request for Oral Argument; Certificate of Service (Appellant)
23.	14-Nov-2016	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)